

Attorney Docket No.: J7164(C)
Serial No.: 10/543,153
Filed: January 13, 2006
Confirmation No.: 9751

REMARKS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claim 8 was rejected under 35 U.S.C. § 101 because recitation of "a use" was an improper language for a process claim.

Applicant has canceled claim 8 in favor of new claim 9. The new claim recites a method for cleaning teeth with a step of applying to the teeth a composition as recited in claim 1.

Claims 1-3, 5-7 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Vernon (U.S. Patent 5,976,506). Applicant traverses this rejection.

The Examiner has recognized a significant deficiency in Vernon. This reference does not teach an embodiment comprising perlite and chalk.

Claim 1 has been amended to more sharply define the invention. Not only does the claim recite concentrations but also identifies the chalk as being a fine ground natural chalk having a particle diameter less than 20 μm . Support is found at page 7, lines 14-17. Still further the new claim recites the presence of sodium monofluorophosphate (SMFP). See page 5, lines 20-24.

Attorney Docket No.: J7164(C)
Serial No.: 10/543,153
Filed: January 13, 2006
Confirmation No.: 9751

Ordinarily SMFP is a relatively unstable material. It is particularly so in the presence of metal containing inorganic materials. Applicant was surprised that SMFP was not compromised in its stability by perlite, even in the presence of various metals in that material. Notwithstanding the general prejudice in the art, the present applicant did incorporate perlite into an oral composition comprising SMFP and also comprising finely ground chalk. From this composition applicant obtained excellent polishing results shown in the Examples. These results show that the combination did not significantly increase the Relative Dental Abrasion and did not compromise stability of the SMFP (see page 5, lines 20-22). As a result, the present invention provides an oral composition giving good polishing, acceptable RDA, and the anti-cavity benefits resulting from the presence of stable SMFP. Consequently, anyone skilled in the art would not have arrived at the present invention considering the Vernon reference.

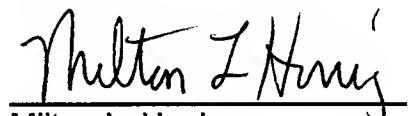
Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Vernon et al. as applied to claims 1-3, and 5-7, and further in view of Riley et al. (WO 2003/030850). Applicant traverses this rejection.

Riley et al. does not remedy the basic deficiency of the Vernon reference. There is no disclosure or suggestion that SMFP would have the unexpected stability that applicant found in a system with perlite and finely ground chalk.

Attorney Docket No.: J7164(C)
Serial No.: 10/543,153
Filed: January 13, 2006
Confirmation No.: 9751

In view of the foregoing amendment and comments, applicant requests the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,



Milton L. Honig
Milton L. Honig
Registration No. 28,617
Attorney for Applicant(s)

MLH/sm
(201) 894-2403